

Minnesota Board of Electricity

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, And Notice of Hearing If 25 or More Requests For Hearing Are Received.

Proposed Amendment to Rules Governing Electrical Licensing, Registration of Unlicensed Workers, and Continuing Education, *Minnesota Rules*, Chapter 3800

Introduction. The Minnesota Board of Electricity (Board) intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on January 21, 2009, the Board will hold a public hearing in the Minnesota Room, Department of Labor and Industry, 443 Lafayette Road North, St. Paul, Minnesota 55155, starting at 9:30 a.m. on Tuesday, February 17, 2009. To find out whether the Board will adopt the rules without a hearing or if it will hold the hearing, you should contact the Board contact person after January 21, 2009, and before February 17, 2009.

Board Contact Person. Submit any comments or questions on the rules or written requests for a public hearing to the Board contact person. The Board contact person is: Annette Trnka, Board of Electricity, c/o Minnesota Department of Labor and Industry, 443 Lafayette Road North, St. Paul, MN 55155, phone: (651) 284-5860, FAX: (651) 284-5749, and *email*: annette.trnka@state.mn.us. TTY users may call (651) 297-4198.

Subject of Rules and Statutory Authority. The proposed rules relate to licensing, registration, and continuing education requirements. The statutory authority to adopt the rules is *Minnesota Statutes*, section 326B.32, subdivision 2(a)(5) and (6) (2008). Subdivision 2(a)(5) gives the Board the power to adopt rules that regulate the licensure or registration of electrical businesses, electrical contractors, master electricians, journeyman electricians, Class A installer, Class B installer, power limited technicians, and other persons who perform electrical work except for those individuals licensed under *Minnesota Statutes*, section 326.02, subdivisions 2 and 3. Subdivision 2(a)(6) gives the Board the power to adopt rules that regulate continuing education for individuals licensed or registered as electrical businesses, electrical contractors, master electricians, journeyman electricians, Class A installer, Class B installer, power limited technicians, and other persons who perform electrical work.

Although the powers of the Board include this rulemaking authority, the Department of Labor and Industry is responsible for the administration and enforcement of the Minnesota Electrical Act (*Minnesota Statutes*, sections 326B.31 to 326B.399 (2008)) and the administrative rules adopted under the Minnesota Electrical Act (*Minnesota Rules*, Chapter 3800). See *Minnesota Statutes*, sections 326B.02, subdivision 1, and 326B.32, subdivision 2 (2008).

A statute enacted in 2007 requires the registration of unlicensed individuals performing electrical work. (*See Minnesota Statutes*, section 326B.33, subdivisions 5 and 5a (2008)). Before that, no registration of unlicensed persons was required. The proposed rules regarding unlicensed individuals require registered persons to obtain 8 hours per year of continuing education credit in order to renew their registration.

Except for the amendments related to registration and continuing education of unlicensed individuals who perform electrical work, the proposed amendments modify existing rules to correlate with the separation of duties between the Board and the Department of Labor and Industry. In addition, technical changes are proposed to correlate terms used in Chapter 3800 with terms used in the Minnesota Electrical Act.

The proposed rules regarding licensure and registration are on the following topics: definitions; examination; minimum experience requirements for licensure; acceptable experience; registration of unlicensed individual; requirements for securing and maintaining contractor's license; designation of responsible master electrician or power limited technician on contractor's license application; and designation of responsible master electrician, power limited technician, licensed maintenance electrician, or electrical engineer by an employer.

The proposed rules regarding continuing education requirements are on the following topics: authority; purpose; definitions; requirements for renewal of electrician and power limited technician license and renewal of registered unlicensed individual registration; and credit for instruction.

The rules can be viewed in their entirety on the Board of Electricity's website located at <http://www.doli.state.mn.us/boe.html>. A free copy of the rules is available upon request from the Board contact person listed above.

Comments. You have until 4:30 p.m. on Wednesday, January 21, 2009, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the Board contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. You must also make any comments about the legality of the proposed rules during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the Board hold a hearing on the rules. You must make your request for a public hearing in writing. Your written request must be received by the Board contact person by 4:30 p.m. on Wednesday, January 21, 2009. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the Board cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, the Board will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the Board must give written notice of this to all persons who requested a hearing, explain the actions the Board took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the Board will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format/Accommodation. Upon request, the Board can make this Notice available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the Board contact person at the address or telephone number listed above.

Modifications. The Board may modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the Board or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Board follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Board encourages you to participate in the rulemaking process.

Cancellation of Hearing. The Board will cancel the hearing scheduled for February 17, 2009, if the Board does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the Board will notify you before the scheduled hearing whether the hearing will be held. You may also call the Board contact person at 651-284-5860 after January 21, 2009, to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, the Board will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Board will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Barbara L. Neilson is assigned to conduct the hearing. Judge Neilson can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620, telephone (651) 361-7845, and FAX (651) 361-7936.

Hearing Procedure. If the Board holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the Board and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses

submitted to the Administrative Law Judge no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

The Board requests that any person submitting written views or data to the Administrative Law Judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the Board contact person at the address stated above.

Statement of Need and Reasonableness. The statement of need and reasonableness contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the Board contact person. You may review or obtain copies for the cost of reproduction by contacting the Board contact person.

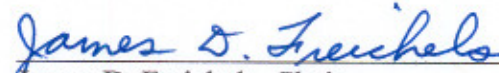
Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. If you have any questions about this requirement, you may ask the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 651-296-5148 or 1-800-657-3889.

Adoption Procedure if No Hearing. If no hearing is required, the Board may adopt the rules after the end of the comment period. The Board will submit the rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to receive notice of this, to receive a copy of the adopted rules, or to register with the Board to receive notice of future rule proceedings, you may submit your request to the Board contact person listed above.

Adoption Procedure After a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the Board adopts the rules and the date the rules are filed with the Secretary of State, and you can make this request at the hearing or by writing to the Board contact person stated above.

Order. I order that the rulemaking hearing be held at the date, time, and location listed above.

December 9, 2008


James D. Freichels, Chair
Minnesota Board of Electricity